

FILED 08 JUN 20 09:28 USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MOTON RAY SMITH)	Civil No. 08-189-CL
)	
Petitioner.)	ORDER
)	
v.)	
)	
BOARD OF PAROLE)	
)	
Respondent.)	

PANNER, Judge.

Petitioner has filed a "Memorandum" which the court construed as a petition for *habeas corpus* under 28 U.S.C. § 2254. On April 28, 2008, Magistrate Judge Clarke filed his Report and Recommendation (docket # 14), recommending that the petition be dismissed.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court still must review the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983) (absence of objection does not relieve "district court of its obligation . . . to decide for itself

whether the Magistrate's report is correct").


I find no error.

Conclusion

Magistrate Judge Clarke's Report and Recommendation (docket # ^{5 only} 14) is adopted. The petition for *habeas corpus* is dismissed.

IT IS SO ORDERED.

DATED this 20 day of June, 2008.



Owen M. Panner
United States District Judge